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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,588	02/04/2005	Helen Francis-Lang	EX03-057C-US	4379

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EXAMINER

SWOPE, SHERIDAN

ART UNIT PAPER NUMBER

1652

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/523,588

Applicant(s)

FRANCIS-LANG ET AL.

Examiner

Sheridan L. Swope

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-25 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1-25 are pending.

Election/Restrictions

Restriction is required under 35 U.S.C. 121.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, Claims 16, and 2, 3, 6, and 17 drawn to a cellular method for identifying modulators of casein kinase 1 γ (CSNK1G).

Group II, Claims 4, 5, drawn to an in vitro method for identifying modulators of CSNK1G.

Group III, Claims 7, drawn to a method for identifying binding partners of CSNK1G.

Group IV, Claims 8-10, in part, drawn to a method for identifying modulators of CSNK1G polynucleotide expression.

Group V, Claims 8-10, in part, drawn to a method for identifying modulators of CSNK1G polypeptide expression.

Group VI, Claims 11, in part, and 12, drawn to an in vivo method for testing modulators of CSNK1G for restoration of p21 function.

Group VII, Claims 11, in part, drawn to a cellular method for testing modulators of CSNK1G for restoration of p21 function.

Group VIII, Claims 13 and 15, in part, and 14, drawn to a method of restoring p21 function in vivo using a modulator of CSNK1G.

Group IX, Claims 3 and 15, in part, drawn to a cellular method of restoring p21 function using a modulator of CSNK1G.

Group X, Claims 16, in part, and 18 and 19, drawn to an in vivo method for identifying modulators of CSNK1G.

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Group XI, Claims 20 and 22, in part, and 21, drawn to a method of modulating the p21 pathway in vivo using a modulator of CSNK1G.

Group XII, Claims 20 and 22, in part, drawn to a cellular method of modulating the p21 pathway using a modulator of CSNK1G.

Group XIII, Claims 23-25, in part, directed to a method for diagnosing a disease using a probe for CSNK1G polypeptide expression.

Group XIII, Claims 23-25, in part, directed to a method for diagnosing a disease using a probe for CSNK1G polynucleotide expression.

For each of Invention I and XIII above, restriction to one of the following is also required under 35 USC 121. Therefore, election is required of one of Inventions I- XIII and if either of Invention I or XIII is elected, one of the following, as indicated.

- If Group I is elected, elect one of:
 - Apoptosis
 - Cell proliferation
 - Angiogenesis
 - Hypoxic induction
- If Group XIII is elected, elect one of the types of cancers listed in Table 1.

The inventions listed as Groups I- XIII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical feature for the following reasons. The technical feature linking Groups I- XIII appears to be that they all relate to CSNK1G. However, CSNK1Gs were well known in the art (Zhai et al, 1995). Moreover, Zhai et al teach an in vitro method for identifying modulators of CSNK1G (pg 12718, para 9, to pg 12718, para 1), which anticipates Claim 4. Therefore Groups I-XIII share no special technical feature as defined by PCT Rule 13.2, as it does not define a contribution over the prior art. Furthermore, the methods of Groups I-XIII do not use the same reagents and/or produce the same results.

Because the methods of Groups I-XIII do not use the same reagents and/or produce the same results, searching more than one of Groups I-XIII would represent a burden on the Office

These inventions lack Unity of Invention for the reasons given above. Furthermore, searching more than one invention would be a burden on the Office. Therefore, restriction for examination purposes, as indicated, is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim 1 links Inventions I-VII. The restriction requirement between the linked inventions is subject to the nonallowance of the linking claim, Claim 1. Upon the allowance of the linking claim, the restriction requirement as to the linked inventions shall be withdrawn and any claim depending from or otherwise including all the limitations of the allowable linking claim will be entitled to examination in the instant application. Applicants are advised that if any such claim depending from or including all the limitations of the allowable linking claim is presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheridan L. Swope whose telephone number is 571-272-0943. The examiner can normally be reached on M-F; 9:30-7 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleen Kerr can be reached on 571-272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheridan L. Swope, Ph.D.

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SHERIDAN SWOPE, PH.D.
PRIMARY EXAMINER